

Amendments to the Drawings:

The attached sheets of drawings, labeled Annotated Marked-Up Drawing and Replacement Sheet, replace the current drawing. Fig. 1 is amended to delete reference numeral 18 and the associated lead line. Fig. 1 is amended to add reference numeral 35 with a dashed lead line. Fig. 2 is amended to delete reference numeral 19 and the associated lead line. The addition of "35" complies with the previous amendment to the specification that added "35" to the disclosure. The dashed wavy lines referenced by numeral 35 are conventional symbols for elastic yarns.

Remarks/Arguments

A review of the prosecution of this application indicates that in the FINAL rejection, the drawings were objected to because the proper format for corrections was not complied with and the Abstract and some of the claims were objected to because of alleged new matter.

The amendment after final addressed these issues but was not entered. The institution of this RCE application includes entry of the amendment after final. In any event, all the formal issues are addressed here.

A new set of drawings are attached, one set labeled Annotated Marked-Up Drawings and the other marked Replacement Sheet. Fig. 1 is amended to delete reference numeral 18 and the associated lead line. Fig. 1 is amended to add reference numeral 35 with a dashed lead line. Fig. 2 is amended to delete reference numeral 19 and the associated lead line. The addition of "35" complies with the previous amendment to the specification that added "35" to the disclosure.

The last sentence of the Abstract was objected to because of alleged new matter. This same objection was directed at some of the canceled claims. However, there is no new matter in the Abstract. Support for the terms, "standing" and "erect" is found in the specification, page 1 , lines 6 - 7, stating that, "***

quick changing ****while the infant is standing or in the erect position" and page 4, lines 1 - 2. The terms "standing" and "erect" are alternatives covering self support and all other means of remaining upright. It is well known that infants lean on or are held up by others.

The canceled claims stand rejected as obvious in view of Fahrenkrug et al and Ahr et al. Both of these patents disclose a diaper or undergarment that has cooperating fasteners on both sides of the wearer or, in the case of Ahr et al, the cooperating fasteners on both sides may be permanently attached to form a pre-formed undergarment.

Neither of these references recognize an application problem or provide any teaching of pre-forming one side of the garment and leaving the other side open for ease in applying the garment to a wearer. Since the references are devoid of any teaching of the claimed device, it would not be obvious from their disclosures how one having ordinary skill in the art would make or use the claimed device.

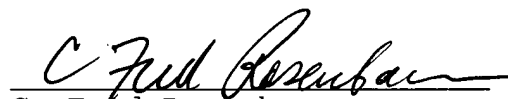
The Bosco UK patent application, of record, does teach a garment with one side seam and one open seam. However, Bosco teaches that the crotch panel is separable from the front and back portions. The stated purpose of this structure is so that the garment may be made flat and that the garment may be applied

without, "having to be slipped onto the legs," (Abstract). Therefore, any change in structure that would require putting a leg of the wearer through a leg hole of the Bosco garment would destroy the desired function of that device.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



C. Fred Rosenbaum
Registration # 27,110

McHale & Slavin, P.A.
4440 PGA Blvd., Suite 402
Palm Beach Gardens, FL 33402
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)

\\Ns2\CLIENT FILES\2300-2399\2353 - Osher\2353_000001 - UT PAT\Amendments\RCE Prelim Amdt.wpd

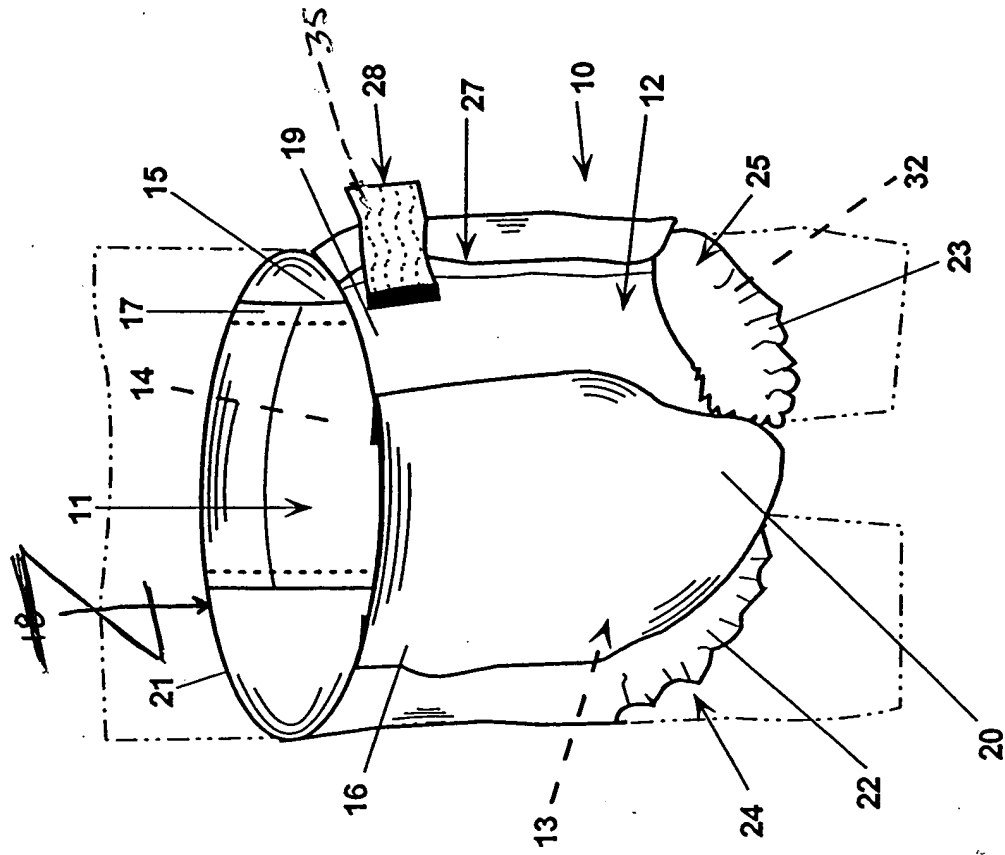


FIG. 1

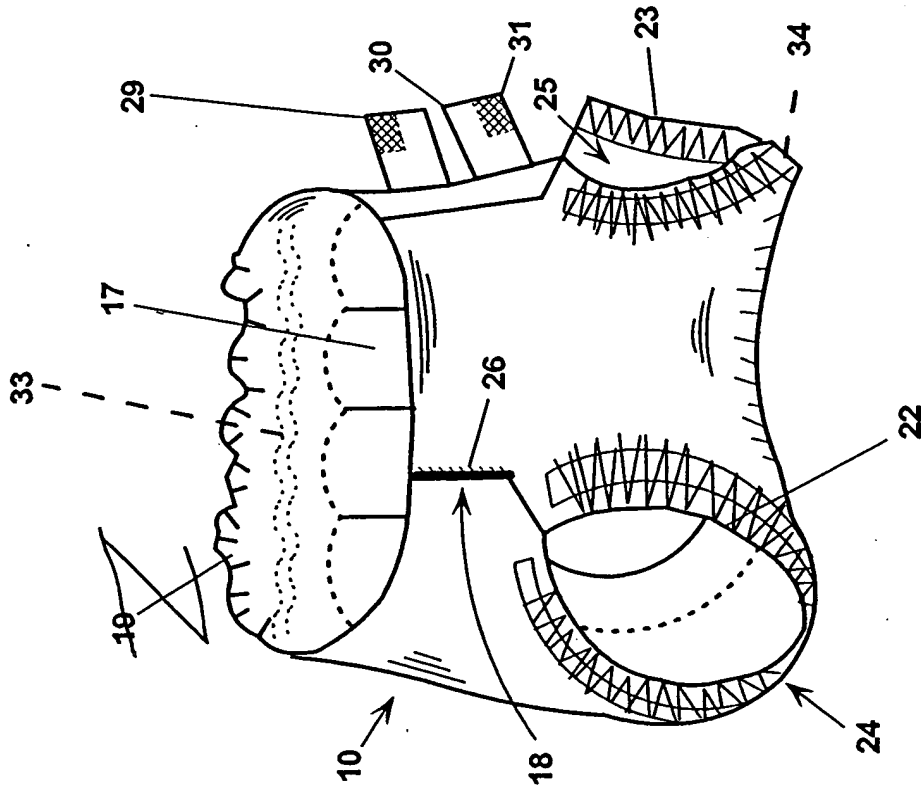


FIG. 2